

them. It was not likely to have been a confessional, because it was clearly a niche, and not an opening; and not a bagioscope for the same reason, and for this, in addition, that such opening would have been inclined in the direction of the high altar. It was assumed to be a piscina, because it *did* occupy the place which that appendage generally occupies, namely, a south wall. There being no basin was not deemed a sufficient objection, as, when we saw it, the bottom of the niche was covered with stucco and whitewash,—quite sufficient to fill up a very shallow basin, such as we have frequently seen. It may be said, that there is no piscina in the chancel—which part of the church is of the same date—and, therefore, that it is unlikely that there should be a piscina here, but examples of chantry piscinas, when there is none in the chancel, are frequent. It is also to be admitted, that a door may not have been a necessary appendage to every depository for sacred vessels. The question, therefore, is, was this an aumbry in the usual position of the piscina, and without doors, or turns on the former existence of a water-drain? The writer balanced the probabilities, and he is still compelled to decide in favour of the piscina.

In reference to the "pensile piscina," respecting which a quotation from an ancient ordinance was given, as quoted by Fombroke, from Du Cange, it may be well to give the exact words in question, along with others under the heads of "Piscina" and "Font":—"PISCINA.—Locus in quo manus Sacerdotis lavant, et ubi ablutiones Sacerdotis, missam celebrantis, injiciuntur."—"FONS.—Vas, in quo aqua ad Missæ sacrificium ponitur.—Ordo Romanus: 'Subdiaconus accipit Fontem de manu Archiparaphonista, et deferat Archidiacono, et ille ex amula infundit, faciens crucem in calicem.' \* \* 'Fontem aureum cum gemmis, pavonem auro, et margaritis distinctum.'"

"FONS.—Piscina, ubi Sacerdotes lavant manus antequam sacra faciant.—Synodus Valent. an. 1590: 'Præcipimus Fontem ad ablutiones Sacerdotum manus, qui se ad Missam celebrandam accingunt, præparari, qui vel parieti infixus, vel pensilis aquam præbeat cum linostina palla.' \* \* According to Du Cange—in one sense of the word "piscina"—that appendage was a place in which the priest washed his hands, and into which the water was cast, after he had washed—perhaps in some other place. The interpretations of the word *font* seem to be precisely similar to each other, being in each case a vessel of consecrated water used at the sacrifice of the mass, for washing the hands. All that the extract seems to us to prove is, that somewhere near the altar, pensile, or affixed to the wall, was a vessel containing water, and called a font, in which the priest washed, the water being afterwards drained down the piscina.† Whether the piscina was ever large enough for washing the hands, for in most examples it has a very shallow basin—the pensile vessel being omitted,—is the point to be ascertained; if that is found to be the case, then the term "font," which was applied to the pensile vessel, may also have been applied to the piscina, as the words "parietis infusus" might lead us to suppose. But it does not necessarily follow; that the term piscina was applied to the pensile vessel; and in time, it seems to us, that "font" was a word used for several vessels, in which there was a supply of water for ablution or for baptism, which was either only a vessel, or also provided with a drain; and that a piscina sometimes was that particular description of "font," attached to the altar, which was fixed to the wall, and was provided with a drain. So that the word "font" had at least three significations:—First, as applied

to the baptismal font in the nave; second, to the pensile vessel, and, when the second was wanting, to a fixed vessel. The "font," when fixed, was sometimes identical with a "piscina": the pensile "font," never so. Lastly, the necessary adjunct of the piscina was in all cases the drain.

The word "piscina," applied to the baptismal font, was mentioned in the previous article (at page 477). In the extract from M. De Caumont, given by Dr. Bromet, it certainly appears to apply to that kind of font which had a drain, or to the "baptismal font." The meaning is very obscure; "piscina" may refer to the drain of the font, or more probably, the two words may refer to vessels entirely distinct. The most obvious impression might be, that baptism was performed in the chancel, or chapel, the water being brought "in a small vessel" from the font in the nave, were there not certain considerations rendering such an opinion untenable. It seems most probable, that in the particular administration in question, the rite was performed at the "baptismal font," the water being brought from other vessels, and probably the chrismatory-oil, as suggested by Dr. Bromet. But the whole subject is still open to discussion, and it would be rash to express any decided opinion upon it. The difficulty would perhaps be cleared up by the discovery of another drain, in the neighbourhood of the baptismal font.

E. H.

#### AS TO THE USE OF OLD SOUND PARTY-WALLS OF INSUFFICIENT THICKNESS.

AWARD UNDER BUILDINGS ACT.

THE following being the first of a class of very important cases, we report it at some length:—

Mr. Lee being engaged to superintend the taking down and rebuilding the house No. 61, Pall Mall, which it is proposed shall be a first-rate building, submitted to the official referees the following question that had arisen between him and Mr. Mayhew, the district surveyor for Saint James's, Westminster.

"On the west side of the said house, between it and No. 62, there is a sound and efficient party-wall, which was erected a few years ago, on the rebuilding of No. 62. This party-wall was built as a first-rate party-wall in conformity with the Buildings Act 14 Geo. III., cap. 78, and it is 1 ft. 10½ in. thick in the basement floor, 1 ft. 6 in. thick in the next three floors, and 14 in. thick in the upper floor, and to 18 in. above the roof.

As it is proposed to build No. 61 seven stories in height, this wall, in accordance with the present Act, is 4½ in. too thin on the ground floor, and Mr. Mayhew is of opinion it should be taken down.

I take the liberty of stating that I differ in opinion with Mr. Mayhew, and maintain that it was never contemplated by the Act 7 & 8 Victoria, cap. 84, on rebuilding a house, that a first-rate party-wall under the late Act, if sound, and built with proper materials, should be pulled down; I admit I do not find this in the Act, neither do I find the contrary. I believe Mr. Mayhew principally depends on the 12th section, but I submit this section to be operative only when the wall is rebuilt, and not in condemning it."

Mr. Mayhew urged, that section 5 requires, that whether "Buildings be built, or rebuilt, on old, or new foundations, or partly on old, and partly on new foundations, notwithstanding any thing contained to the contrary in any Act of Parliament now in force, every such building shall be built, rebuilt, &c., in conformity with the several particulars, rules, and directions in Schedule C," &c., "subject, nevertheless, to any other rules and directions in this Act contained in the same behalf."

That the conditions of Schedule C, part 2, determine, that if the building contain seven stories, it is to be of the first-class, and the thickness of the party walls must be at the least 21½ inches from the top of the footing up to the underside of the floor, next but three below the topmost floor, which in this case renders the wall 4½ inches too thin on the ground floor, as stated by Mr. Lee.

That section 27 enacts, with regard to any party-wall, so far as relates to the rebuilding thereof, that if the owner of one of the build-

ings, parted by such party-wall, rebuild such building of a higher rate, and do not pull down such party-wall, and build a proper wall in lieu thereof, then it shall be the duty, and he is hereby required to build up an external wall against such party-wall.

That section 19 is imperative as to the party and external walls being of the required thickness.

He considered, "that the building owner in this case must either relinquish the seventh story, or pull down and rebuild the party-wall of the required thickness; or build an external wall against it, for I apprehend, whether the wall were a new wall, built under the present Act for a second-rate house of the first class, or whether it be the present wall (for which the second-rate is the highest rate, that the present wall is thick enough) neither the one, nor the other can or could be used for a first-rate building. The 31st section, which permits buildings already built to be raised 10 feet if the walls be sufficiently secure to allow of the raising thereof, might perhaps admit of an argument as to its applicability in this case to the wall only, but I apprehend that this section can only apply where the building erected before the passing of the Act to which the wall belonged is in existence, and cannot apply to a party-wall only, after the building itself is wholly pulled down."

In a reply to these points, Mr. Lee reminded the referees "that section 82, under the head of 'Matters of Reference,' gives to the referees the power to determine all matters of doubt, difference, or dissatisfaction, and that there was nothing contained in the Act to take from them the power of permitting the party-wall in question to remain, and he thought a very strong argument in favour of this opinion was, that in schedule D, part 2, under the head of 'External Wall used as a Party-wall,' the Act directs if an 'external wall to any building already built be at the least 13 in. in thickness in every part, and be of sound and proper materials, and in good condition, then such wall may be used as a party-wall;' if, therefore, an external wall 13 in. thick may be used as a party-wall, there could be no reason why a good party-wall 18 in. thick, should not remain, when the want of thickness exists only on one floor. He further remarked, "If I am wrong in my opinion, most serious inconvenience must arise from the operation of the Act, in the old districts, more particularly in the city and west-end of the town, where from the increased value of ground, the houses must be built with an additional number of stories bringing them by that means into the first-rate of the present Act, and then in all cases of re-building both party-walls must be taken down, even when the houses on both sides of the party-walls have been built within a year or two; because in all cases the party-walls were only built as first-rate party-walls, under the Act of 14 Geo. III., cap. 78, or 21½ in. thick to the underside of the ground floor, which there is no doubt is sufficient, whereas the first-rate party-wall under the present Act, must be 21½ in. thick to the underside of the one pair floor."

Mr. Husking, the referee, found on survey, that "timber appears in several places in the east face of the wall, laid into the work, and brick on edge courses, which affect the thorough bonding of the wall, occur wherever good timbers have been placed in the wall. In other respects, the wall is a sound structure, and is fit to be used again as a party-wall, though in doing so, it should be made as far as possible conformable with the provisions of the Metropolitan Buildings Act, by the removal of all timber from its structure, and by taking out the brick on edge courses, and restoring with proper and sufficient materials, such as bricks, or brick and plain tiles in cement."

The award, after reciting the premises, was as follows:—

"Now, although the proposed building will, by reason of the number of stories thereof, be of a higher rate than a building to which the existing party-wall in question would be applicable, in reference to party-walls built with buildings, after the passing of the Metropolitan Buildings Act; yet inasmuch as the said party-wall is, in the opinion of the official referees, a proper and sufficient wall to serve as a party-wall with reference to the building to be rebuilt, except as to certain timber laid in the same otherwise than the said Act permits, and

\* Which may be thus rendered:—"PISCINA.—A place in which the hands of the priest are washed, and where the ablutions of the priest celebrating the mass are cast."—"FONS.—A vessel in which water is placed at the sacrifice of the mass."—"The subdiacon receives the font from the hand of the chief singer, and brings it to the archidiacono, and he pours into it out of the aumbry, making the sign of the cross over the chalice;—"A golden font set with gems, or precious in gold, and set with pearls."—"FONS.—A piscina, where the priests wash their hands before they make the sacrifice. 'We order to be prepared a font for the hands of the priests to be washed in, who prepare themselves for celebrating the mass, which, either fixed into the wall, or pensile, may afford water with a linen cloth.'" De Cassis: *Glossarium ad Scripturam Media et Infima Latinitatis*.  
† It is likely, that the word font refers to another vessel in which the hands were washed, the carrying off of water, rather than the supply, being the object in the piscina, the bowl of which, indeed, is hardly large enough for any other use.—*Ibid.*, p. 477-8.